without any constitutional compulsion, at the request of the Government of India or is even offered *suo moto*. In all such cases, the recommendation is made by the Ministers as Ministers, that is, in virtue of the position they occupy as Ministers by the goodwill of the House. I think there cannot be and should not be any case in which a Minister acts or omits to act as Minister and yet can say that he is not or need not be answerable to the House. It has to be remembered that what is sought to be debated is not the ultimate action of the Government of India with which we of this House are not concerned but the prior act or omission of the State Government. The Legislature would be perfectly in order to debate or discuss this act or omission however made or omitted provided it is an act of omission which is made or omitted by the Ministers as Ministers.

The Leader of the House also argued that the executive power is coterminous with the sphere of the Legislative power. I am afraid it may not be a correct statement of the position. The Constitution has provided for two Governments and two legislatures in the governance of the country. There are the Government of India and the Parliament on the one hand and the State Government and the State Legislature on the other. In the legislative sphere the two bodies, Parliament and the State Legislature, both operate directly on the States, within the sphere of their allotted powers. The distribution of legislative powers therefore takes note of the existence of two Legislative bodies and provides accordingly. On the other hand, the extent of executive power has been provided for in separate articles, namely, articles 73 and 162. For instance, in respect of matters covered by the concurrent list, article 73 states that the executive power of the Union in such matters shall not extend to Part A or Part B States, unless expressly provided for in the Constitution or by any law made by Parliament. Further, State Governments and State authorities are permitted, by clause (2) of article 73, to continue to exercise power which it was exercising before the commencement of the Constitution even in respect of matters with respect to which Parliament has power to make laws. Hon'ble Members will thus see how it is difficult to hold that the executive and legislative powers are co-extensive. However, as I said already, the principal question is not one of the extent of executive power but one of responsibility of the Ministers and whether any particular matter is one in respect of which the Ministry acts or fails to act in an official capacity.

Having said so much, I want to make it clear that this must be considered only as a general statement of the question. There are certain limitations imposed by the Constitution itself which we must honour. I may refer, only by way of illustration, to article 211 which precludes any discussion in respect of any Judge of the Supreme Court or of a High Court in the discharge of his duties. There may also be limitations imposed by the circumstances of each case. By way of example, I may instance a case where public interest or safety renders it undesirable to debate a question. Finally, there are rules of debate which may bar particular motions or subjects of debate. Each case will have to be decided on its facts and merits and it would be obviously impossible to lay down a general rule defining all the circumstances or conditions in which such questions can or cannot be raised. The Chair must be free to decide such cases as and when they arise for a decision in the future.

[At this stage 2-12 p.m. Janab J. Mohamed Imam and the members of his party entered the Hall].

Statement regarding provision of Seats for Officers in the Officers' Gallery.

Mr. SPEAKER (Sri V. Venkatappa)— Honourable Members will have noticed that an Officers' Gallery has been set up in the Hall. When a meeting of

the Assembly is in progress, it is a parliamentary convention that no one other than Members and officers and staff of the Legislature Secretariat should have admission into the Hall. In fact in the House of Commons, even messengers of the Parliament Secretariat are not allowed into the Hall and any Member who has a message to be sent out or received has to go to the lobby where messengers are posted. There are no arrangements inside the House whereby a Member can remain in his seat and ask for some one to take his message outside. I believe it is a very healthy convention which can be followed.

Where a Minister has to consult an officer or official, I noticed that in Delhi the practice was for the Minister to walk up to the Officers' Gallery, have his consultations there and return to the seat. This avoided the necessity of people other than Members having to come into the Hall.

Discussion on the Walk-out.

Sri K. PUTTASWAMY (Mandya District-General).-The walk-out staged by Janab Mohamed Imam and his friends raises a very important point. The motion that was placed before the House was not ruled out by the party in power. It was the ruling of the Chair that the adjournment motions were not in order under Rule 20. The walk-out they staged is a direct disrespect shown to the Chair. So, this raises an important matter which has to be discussed in the House and opinion of the House taken.

Sri A. BHEEMAPPA NAIK (Chitaldrug District-General).— Does it involve an important matter of breach of privilege or a threat to the Honourable Speaker not to give such decisions? Janab Mahomed Imam said, in addition, that it is a protest.

Mr. SPEAKER.—He said that it is a protest against the Government Order passed; that is what he said.

Mushir-Ul-Mulk J. MAHOMED IMAM (Chitaldrug *cum* Tumkur Muslim).—I said, that without meaning any disrespect to the Chair, but as a protest against the Government Order, myself and the members of my party will walk out.

Sri A. BHEEMAPPA NAIK.—It is not that there is any such thing as Government Order at all; it is the ruling of the Honourable Speaker on the adjournment motion.

Mr. SPEAKER.— The Government Order is about the food rationing. It is that order which he referred to; that is what he said before he went out.

Sri A. BHEEMAPPA NAIK.—In any case, this has raised a question of privilege which will have to be debated upon or the motion will have to be referred to the Privileges Committee to decide whether when an adjournment motion was ruled out by the Speaker, a member could protest against the order of the Government. I am questioning whether this is the proper occasion for a member to show his protest against the order of the Government. It is not as if the Dewan is there or the Chief Minister is there to rule out this motion against the order of the Speaker. Therefore, it is the respect that every member of this House should give to our Speaker that is involved. This walk-out raises an important issue of the privilege of this House in particular which every member will have to consider. Therefore, I request the Honourable Speaker, either to take up this question for debate or to refer it to the Privileges Committee and let the members of the Privileges Committee decide whether the walk-out has certainly not caused a situation in respect of which we have to take certain decision.

Mr. SPEAKER.—If it is a privilege motion, let it be given in writing.

Janab MOHAMED VALIULLA.— (Kolar-Muslim) On a point.....

Mr. SPEAKER.—I do not think there is any necessity to go into further discussion on that.